REMARKS:

Claims 1-22 are currently pending in the Application.

Claims 1-22 stand rejected under 35 § U.S.C. 103(a) as being unpatentable over Cain et al. (WO 2001/55886 A2, hereinafter referred to as "*Cain*"), and further in view of Wong et al. (USP 5,890,175, hereinafter referred to as "*Wong*").

Reconsideration and withdrawal of the outstanding rejections is respectfully requested in light of the following remarks.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-22 stand rejected under 35 § U.S.C. 103(a) as being unpatentable over *Cain* and further in view of *Wong*.

The Applicant respectfully submits that *Cain* or *Wong*, either individually or in combination, fail to disclose, teach, or suggest each and every element of Claims 1-22. Thus, the Applicant respectfully traverses the Examiners obvious rejection of Claims 1-22 under 35 U.S.C. § 103(a) over the proposed combination of *Cain* or *Wong*, either individually or in combination.

The Proposed *Cain-Wong* Combination Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicant's Claims

For example, with respect to independent Claim 1, this claim recites:

> An ***electronic commerce system for generating, updating, and managing multi-taxonomy environments***, the system comprising:
> one or more databases operable to store product data for one or more products;
> a master global content directory including a plurality of product classes organized in a hierarchy according to a first classification system, each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, ***at least one of the product classes having one or more associated product pointers that identify one or more of the databases***;

one or more secondary content directories including one or more product classes organized in a hierarchy according to a second classification system that is distinct from the first classification system of the master global content directory, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is mapped; and

a search interface operable to:

receive a selection of a product class of a secondary content directory from a user, the selected product class having at least one class pointer identifying at least one product class in the master global content directory; and

communicate, in response to selection of the product class by the user, a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products. (Emphasis Added).

Independent Claims 8, 15, and 22 recite similar limitations. *Cain* and *Wong*, either individually or in combination, fail to disclose each and every limitation of independent Claims 1, 8, 15, and 22.

The Applicant respectfully submits that *Cain* fails to disclose, teach, or suggest independent Claim 1 limitations regarding an "***electronic commerce system for generating, updating, and managing multi-taxonomy environments***". Rather, *Cain* discloses a hierarchical product classification system which implements a spider module for searching a network (typically internet websites) for textual information pertaining to products (Figure 4B, page 4, lines 7-12, page 25, lines 12-27), aggregating the product information in a table of a database (page 24, lines 3-5), classifying the aggregated products according to a system taxonomy (page 24, lines 6-29), and optionally generating statistical profiles for association with the products using the information accumulated for the products (page 24, line 30 to page 25, line 8). Ultimately, the database is made available to users on a network such that users can search for products (or otherwise analyze the aggregated product information) and the associated product information and statistical profiles using a variety of search interfaces (page 63, line 13 to page 64, line 5). More specifically, users are provided the ability to interface the database by Boolean

searching the titles of categories and sub-categories of the system taxonomy (Figure 3A, page 64, line 6 to page 66, line 9). In addition, *Cain* is merely concerned with "aggregat[ing] vast amounts of information regarding products offered from a variety of sources on a network" (page 63, lines 14-17), "organizing [the] vast amount disparate product data relative to a comprehensive hierarchical product classification system" which is stored in the system database (page 63 lines 20-24), and using the same hierarchical product classification system to facilitate user searches of the product data (page 63, lines 24-27). Thus, the Applicant respectfully submits that the equations forming the foundation of the Examiner's comparison between *Cain* and independent Claim 1 cannot be made. The Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish independent Claim 1 from *Cain*.

The Applicant further respectfully submits that *Cain* fails to disclose, teach, or suggest independent Claim 1 limitation regarding a "master global content directory including a plurality of product classes organized in a hierarchy according to a first classification system, each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, ***at least one of the product classes having one or more associated product pointers that identify one or more of the databases***". The Office Action alleges that this limitation is taught by *Cain* at page 5, lines 28-32 and page 6, lines 1-15. However these cited passages of *Cain* fail to teach, suggest, or even hint at "***at least one of the product classes having one or more associated product pointers that identify one or more of the databases***", as recited in independent Claim 1.

In addition, *Cain* merely discloses a hierarchical product classification system comprising logic that defines a branched decision tree, the branched decision tree comprising a plurality of main branches corresponding to different categories of products and a plurality of tree levels extending from the each main branch, each level corresponding to a subcategory of the category of products to which a related main branch belongs. However, *Cain* fails to teach, suggest, or even hint "***at least one of the product classes having one or more associated product pointers that identify one or more of the databases***", as recited in independent Claim 1. Furthermore, as explained in *Cain*

on page 8, the product entry for each product contains the information regarding its assignment within the hierarchical product classification system. Therefore, *Cain* fails to disclose, teach, or suggest a "master global content directory including a plurality of product classes organized in a hierarchy according to a first classification system, each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, ***at least one of the product classes having one or more associated product pointers that identify one or more of the databases***". Thus, the Applicant respectfully submits that the equations forming the foundation of the Examiner's comparison between *Cain* and independent Claim 1 cannot be made. The Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish independent Claim 1 from *Cain*.

The Applicant still further respectfully submits that *Cain* fails to disclose, teach, or suggest independent Claim 1 limitation regarding "***communicat[ing], in response to selection of the product class by the user, a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products***". The Office Action alleges that this limitation is taught by *Cain* at page 9, lines 1-24 and page 27, lines 1-32. However, *Cain* fails to teach, suggest, or even hint at the limitation of "***communicat[ing], in response to selection of the product class by the user, a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products***." Rather *Cain* merely discloses communicating information to the searching regarding the searcher's query. *Cain* fails to teach communicating information to "***facilitate a commercial transaction involving one or more products***." As stated on pages 62 and 63 of *Cain*, the system of *Cain* provides a comparative resource for comparing identical products or items that are available from a variety of different resources. The products can be compared to each other or an average valuation profile associated with the particular product or item. *Cain* fails to teach or suggest facilitating a commercial transaction for the items being compared. Thus *Cain* fails to teach or suggest the limitation of "***communicate, in response to selection of the product class by the user, a search query to one or***

more of the databases to search product data stored in the databases identified by one or more of the product pointers to facilitate a commercial transaction involving one or more products."

The Office Action Acknowledges that *Cain* Fails to Disclose Various Limitations Recited in Applicant's Claims

The Applicant respectfully submits that the Office Action acknowledges, and the Applicants agree, that *Cain* fails to disclose the emphasized limitations noted above in independent Claim 1. Specifically the Examiner acknowledges that *Cain* fails to disclose "different classification systems". (23 October 2006 Final Office Action, Page 5). However, the Examiner asserts that the cited portions of *Wong* disclose the acknowledged shortcomings in *Cain*. The Applicant respectfully traverses the Examiner's assertions regarding the subject matter disclosed in *Wong*.

The Office Action alleges that *Wong* discloses "different classification systems" and that *Wong* teaches that each producer of a catalogue may use a different classification system for his or her products. Furthermore, the Office Action goes on to explain the every level of the directory taught by *Cain* is considered a second content directory. The Applicant respectfully disagrees. As recited in independent Claim 1, the second content directory is a content directory that is organized in hierarchy system that is ***distinct*** from the first classification system. *Cain* fails to teach or suggest this limitation. As stated in several passages of *Cain*, each level of the tree is a subcategory corresponding of the category of the products to which a related main branch corresponds. Furthermore, this tree and the branches are constructed in logical manner. Thus, to go from one type of schema at the first level to a distinct, unrelated schema at another level would not be logically possible. Thus, *Cain* fails teach, suggest, or even hint at a second content directory. In addition, ***Cain actually teaches away from a second content directory***. *Cain* teaches a single taxonomic system that classifies every product encountered. As explained in pages 57-59, *Cain* teaches that when new information is gathered it is classified or determined to be unable to be classified and based on this decision the system decides whether to modify the existing taxonomy or leave the taxonomy as is.

The Applicants further respectfully submit that *Wong* merely teaches that different sellers may use different schema when classifying the goods they sell. However, the simple fact that *Wong* allows merchants to individually design catalogs does not disclose the use of a ***second classification system*** as recited in independent Claim 1. Therefore, *Wong* fails to teach, suggest, or even hint at using more than one (1) system of classification for the same products or using two (2) different classification schemes in conjunction for the same products. Thus, the Applicant respectfully submits that the equations forming the foundation of the Examiner's comparison between *Cain*, *Wong*, and independent Claim 1 cannot be made. The Applicant further respectfully submits that these distinctions alone are sufficient to patentably distinguish independent Claim 1 from *Cain* and *Wong*.

The Applicant's Claims are Patentable over the Proposed *Cain-Wong* Combination

The Applicant respectfully submits that independent Claim 1 is considered patentably distinguishable over the proposed combination of *Cain* and *Wong*. This being the case, independent Claims 8, 15, and 22 are also considered patentably distinguishable over *Cain* and *Wong*, for at least the reasons discussed above in connection with amended independent Claim 1.

Furthermore, with respect to dependent Claims 2-7, 9-14, and 16-21: Claims 2-7 depend from independent Claim 1; Claims 9-14 depend from independent Claim 8; and independent Claims 16-21 depend from Claim 15. As mentioned above, each of independent Claims 1, 8, 15, and 22 are considered patentably distinguishable over the proposed combination of *Cain* and *Wong*. Thus, dependent Claims 2-7, 9-14, and 16-21 are considered to be in condition for allowance for at least the reason of depending from an allowable claim.

For at least the reasons discussed herein, the Applicant respectfully submits that Claims 1-22 are not rendered obvious by the proposed combination of *Cain* and *Wong*. The Applicants further respectfully submit that Claims 1-22 are in condition for allowance.

Thus, the Applicant respectfully requests that the rejection of Claims 1-22 under 35 U.S.C. § 103(a) be reconsidered and that Claims 1-22 be allowed.

THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. § 103:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, ***there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings***. Second, there must be a reasonable expectation of success. Finally, ***the prior art reference*** (or references when combined) ***must teach or suggest all the claim limitations***. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, ***and not based on applicant's disclosure***. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, ***there must be something in the prior art as a whole to suggest the desirability***, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the

Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991; *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

CONCLUSION:

In view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and early reconsideration and a Notice of Allowance are earnestly solicited.

Although the Applicant believes no fees are deemed to be necessary; the undersigned hereby authorizes the Commissioner to charge any additional fees which may be required, or credit any overpayments, to **Deposit Account No. 500777**.

Please link this application to Customer No. 53184 so that its status may be checked via the PAIR System.

Respectfully submitted,

12/21/06
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